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March 15, 2023

MEMORANDUM ENDORSED

VIA ECF

Hon. Gabriel W. Gorenstein
United States Magistrate Judge
United States District Court
Southern District of New York
500 Pearl St.
New York, NY 10007-1312

Re: Northwest Biotherapeutics Inc. v. Canaccord Genuity LLC, et al.,
No. 1:22-cv-10185-GHW-GWG

Dear Judge Gorenstein:

We represent Defendant Citadel Securities LLC in the above-captioned action and also write on behalf of co-Defendants Canaccord Genuity LLC, G1 Execution Services LLC, GTS Securities LLC, Instinet LLC, Lime Trading Corp., Susquehanna International Group LLP, and Virtu Americas LLC concerning page limits for motion to dismiss briefing and deadlines for opposition and reply briefs.

On February 28, 2023, the Court granted in part Defendants' request for an extension of time to respond to the Complaint, setting a deadline of March 20, 2023. ECF No. 79. The Court also ordered that "the parties shall be limited to 25 pages for any moving and opposition brief and to 15 pages for any reply brief." *Id.* Defendants are mindful of the Court's directive that their forthcoming memoranda of law be properly focused. To avoid duplicative briefing, rather than have the Defendants submit separate memoranda of law up to 25 pages, Defendants propose to submit a single joint memorandum of law up to 30 pages, along with up to two side briefs to address certain issues not addressed in the joint memorandum of law, with those side briefs not to exceed 20 pages cumulatively.

Defendants have conferred with Plaintiff, and Defendants' proposal reflects the Parties' agreement on page limits and proposed deadlines pursuant to Rule 2(B) of the Court's Individual Practices:

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- March 20, 2023: Defendants will submit a joint memorandum of law, not to exceed 30 pages, with Defendants also being permitted to submit up to two side briefs of up to 20 pages total to address issues not addressed in the joint memorandum of law.
- May 4, 2023: Plaintiff will submit opposition brief(s). Plaintiff will have a total number of pages for their opposition briefing up to the total number of pages of all of the motion to dismiss memoranda submitted by Defendants. Upon reviewing the motions to dismiss, Plaintiff's counsel will assess the most efficient means of responding (*i.e.*, either via one omnibus opposition memorandum or through separate briefs as to some or all of the motions to dismiss).
- June 5, 2023: Defendants will submit a joint reply memorandum of law not to exceed 20 pages, with Defendants that submitted side briefs being permitted to submit a reply brief not to exceed 5 pages each.

In light of the length of the Complaint (281 paragraphs) and number of Defendants (eight), Defendants submit that this briefing schedule is warranted and will serve the interests of justice. Defendants respectfully request that the Court grant the extension of page limits and schedule for motion to dismiss briefing as set forth above.

Respectfully submitted,

/s/ William Burck
William Burck

cc: All counsel of record (via ECF)

The proposal as to the briefing schedule and page limitations is approved.

So Ordered.



GABRIEL W. CORENSTEIN
United States Magistrate Judge

March 16, 2023